

# EXHIBIT A

**ROBERT W. COWAN**

CURRICULUM VITAE  
AND  
SUPPORT FOR APPOINTMENT AS  
PERSONAL INJURY PLAINTIFFS' CO-LEAD COUNSEL

***IN RE: FUTURE MOTION, INC. PRODUCTS LIABILITY LITIGATION***  
**MDL 3087**

**A. Personal Information**

Name: Robert W. Cowan  
Law Firm: Bailey Cowan Heckaman PLLC ( [www.bchl.com](http://www.bchl.com) )  
Years of Practice: 23  
List of Firm Cases Transferred to MDL:

*Oatridge, et al. v. Future Motion, Inc.*, No. 5:21-cv-09906-BLF, in  
the United States District Court for the Northern District of  
California

*Bunnell, et al. v. Future Motion, Inc.*, No. 22-cv-01220-CNS-KAS,  
in the United States District Court for the District of Colorado

**B. Position(s) Sought**

Co-Lead Personal Injury Plaintiffs' Counsel

**C. MDL Experience (listed in order of role importance)**

MDL Name	Subject Matter & Current Status	Leadership Roles	“Unofficial” Roles Played
MDL 2885 <b><i>In re: 3M Combat Arms Earplug Prods. Liab. Litig.</i></b> , N.D. Fla.	Pensacola-based MDL involving military veterans suffering hearing damage from faulty combat arms earplugs (largest MDL in history); MDL is ongoing	Plaintiffs’ Steering Committee; also served as lead briefing attorney or briefing attorney for two bellwether trial cases that reached jury verdicts ( <i>see</i> § D for more details)	Oversaw progression of his firm’s nearly 3,000 viable claimants’ cases through litigation and settlement
MDL 1769 <b><i>In re: Seroquel Prods. Liab. Litig.</i></b> , M.D. Fla.	Orlando-based MDL involving diabetes linked to antipsychotic drug Seroquel; MDL proceedings resolved in 2013	Plaintiffs’ Lead Briefing Attorney, coordinating and/or personally drafting virtually all affirmative and responsive filings for MDL plaintiffs ( <i>see</i> § D for more detail)	Co-lead counsel on several bellwether trial-selected cases; lead Plaintiffs’ counsel on separate tranche of Seroquel cases filed in Delaware state court
MDL 2789 <b><i>In re: Proton Pump Inhibitor Litig.</i></b> , D.N.J.	Newark, N.J.-based MDL involving kidney-related injuries linked to proton pump inhibitor (heartburn) drugs; MDL is ongoing	Law partner (Camp Bailey) is on Plaintiffs’ Steering Committee (PSC)	Perform PSC-delegated legal research, writing, and conduct 30(b)(6) and liability depositions
MDL 1596 <b><i>In re: Zyprexa Prods. Liab. Litig.</i></b> , E.D.N.Y.	Brooklyn, N.Y.-based MDL involving diabetes linked to antipsychotic drug Zyprexa; the Zyprexa MDL resolved in approximately 2012		Co-lead counsel representing the states of Mississippi and Louisiana in deceptive trade practice act claims against Zyprexa’s manufacturer

MDL Name	Subject Matter & Current Status	Leadership Roles	“Unofficial” Roles Played
MDL 2543 <i>In re: General Motors LLC Ignition Switch Litig.</i> , S.D.N.Y.	Manhattan, N.Y.-based MDL involving GM vehicles with allegedly defective ignition switches linked to personal injury or economic loss; MDL is ongoing		Co-lead counsel on two MDL bellwether trial selections; both cases resolved; oversaw settlement of hundreds of the firm’s cases

#### D. Mass Tort Experience

Since joining BCH and transitioning from the defense side of the civil docket in 2007, Robert has represented well over 25,000 clients in mass tort litigations including the above (*see* § C), as well as in the Paxil II Birth Defect Mass Tort Program in Philadelphia state court (resolved in 2017) and the Essure Product Cases in the California state court coordinated proceeding (JCCP 4887).

Beginning in 2019, Robert’s firm began representing clients in MDL 2885, *In re: 3M Combat Arms Earplugs Products Liability Litigation*. Two years later, he was appointed to leadership on Plaintiffs’ Steering Committee by Judge M. Casey Rodgers. Robert led pretrial preparation and served as a member of the trial team for a bellwether case that, at the time of its trial, produced the highest value single-plaintiff jury verdict in the MDL. Subsequently, Robert was the lead law and briefing attorney for another bellwether trial in 2022. MDL 2885 is the largest MDL in history, and Robert oversaw the litigation and progression through settlement for his firm’s nearly 3,000 participating cases.

Robert’s most significant mass tort experience involved serving as national lead briefing counsel for plaintiffs in the *In re Seroquel Products Liability Litigation* MDL (1769). Robert’s law partner served as national co-lead counsel for approximately 15,000 plaintiffs’ claims. From late 2007 to 2013, Robert had direct responsibility for and oversight over all plaintiffs’ MDL trial- and appellate-level briefing, as well as helped manage all other aspects of the litigation. Robert and his small staff wrote more than 90 percent of plaintiffs’ filings during his time working on the MDL, and Robert argued many of those issues to the Court.

From 2013 to 2015, Robert was instrumental in helping overcome a second round of removals by the defendant in BCH's Paxil II birth defect litigation Mass Tort Program (MTP) in Philadelphia. On the eve of a slate of MTP trials concerning birth defects allegedly caused by pregnant mothers' use of Paxil, defendant GlaxoSmithKline (GSK) unexpectedly re-removed all the BCH trial cases to federal court. Many of the cases were then transferred to federal courts in plaintiffs' "home" jurisdictions. Within days of removal, Robert drafted and filed the ultimately successful motions to remand (and, in some cases, second and third motions to remand) and, over the next 2 years, argued many of those remands in federal court. Finally, after appeal to the United States Court of Appeals for the Third Circuit, the court decided GSK had wrongly removed the cases the second time, and all the removed trial cases were eventually remanded to the Philadelphia Court of Common Pleas from which they had been removed.

Robert has been a lead lawyer in a dozen or more high-stakes trials and arbitrations since 2009. In 2011, Robert and his trial team won a unanimous jury verdict and over \$320 million in civil penalties (subsequently reduced to over \$124 million) on behalf of South Carolina consumers in an unfair trade practices case against Ortho-McNeil-Janssen Pharmaceuticals (OMJP) involving its drug Risperdal. Robert wrote and oversaw all the trial briefing in the case, and argued most legal issues to the trial court. Robert and his team successfully defended appeals of the plaintiff's judgment all the way to the United States Supreme Court, which denied certiorari in early 2016.

The year after the South Carolina verdict, Robert and his trial team again defeated OMJP in another Risperdal-related deceptive trade practices case, this time representing Arkansas consumers. More recently, Robert and his trial team won over \$11 million on behalf of a widow of a U.S. Navy veteran who died from mesothelioma. Robert and his team again wrote all the trial briefing, and Robert argued most legal issues to the trial court. Subsequently, he and his appellate team beat back appeals of the judgment through the Missouri appellate courts all the way to the United States Supreme Court, which denied certiorari in 2018.

## **E. Settlement Experience**

Robert was directly involved in settling state-law consumer protection cases against Ortho-McNeil-Janssen Pharmaceuticals (OMJP), AstraZeneca Pharmaceuticals (AZ), and/or Bristol Myers Squibb (BMS) in Arkansas (AZ 2012, OMJP 2015), New Mexico (AZ 2012, OMJP 2013), Mississippi (OMJP 2016, AZ 2017, BMS 2018), and Kentucky (OMJP, 2016) on behalf of each of those states' attorneys general and after each of those litigations had been pending for at least 2-3 years, if not significantly longer. Each of those cases settled between \$3 million up to \$15.5 million. In 2018, Robert also helped settle through mediation hundreds of cases involving personal injuries allegedly caused by defective automobile design/components; Robert and his law partner directly negotiated the settlement, and Robert oversaw its administration through the

supervising court. Since 2019, Robert and his law partners directly negotiated mass tort settlements involving Bayer’s Essure contraception device (over 2,000 cases) and Monsanto’s pesticide Roundup (nearly 2,000 cases), drafted and finalized settlement agreements, and was primarily responsible for coordinating the administration of those mass settlements with the respective oversight courts, establishing treasury regulations-based qualified settlement funds, and communicating with the respective special masters, settlement administrators, and the clients.

## F. Curriculum Vitae

### - LEGAL EXPERIENCE -

August 2007 to  
Present

**Bailey Cowan Heckaman PLLC**, Houston, Texas, *Partner*

- See information above

January 2005 to  
July 2007

**Feldman & Rogers, L.L.P.**, Houston, Texas, *Attorney*

- Represented large public and private sector entities in business/commercial, employment, and construction litigation at the trial and appellate levels
- Represented the City of Houston and Houston Police Department Chief in high-profile First Amendment employment retaliation appeal before the U.S. Court of Appeals for the Fifth Circuit; drafted briefing on the merits for same

April 2004 to  
January 2005

**Porter & Hedges, L.L.P.**, Houston, Texas, *Attorney*

- Represented notable former Merrill Lynch analyst in Enron shareholder litigation
- Defended mezzanine lenders against multimillion dollar fraud and conspiracy claims stemming from the failure of a secondary oil and gas project in West Texas
- Represented developer and manufacturer of application response-time-monitor software in prosecution of trade secret claims against competitor

August 2001 to  
April 2004

**Shook, Hardy & Bacon L.L.P.**, Houston, Texas, *Attorney*

- Represented Carlos Slim-Helú, Teléfonos de México (“Telmex”), and related corporate affiliates and principals in successful defense of tortious interference lawsuits in Texas
- Drafted successful brief on the merits to the U.S. Court of Appeals for the Fifth Circuit in *McLean v. Philip Morris USA Inc.* (the “Marlboro Man” case)

**- EDUCATION -**

**South Texas College of Law, Houston, Texas**

- J.D., *Magna Cum Laude*, May 2001
- G.P.A.: 3.506; Class Rank: 8th out of 241 (Top 5%)
- South Texas Law Review, Member
- Honors: 2001 Scribes Award Winner, National Brief Writing Champion, presented by the American Society of Writers on Legal Subjects  
Best Brief & First Place, ABA National Appellate Advocacy Competition  
Best Brief, National Moot Court Competition (Association of the Bar of the City of New York)  
Best Brief & First Place, State Bar of Texas Moot Court Tournament  
Best Brief & First Place, Spong National Moot Court Tournament (William & Mary)

**University of Houston, Houston, Texas**

- Bachelor of Arts: Political Science, December 1990

**- PUBLISHED WORKS-**

*Making Foreign Depositions Less Foreign—Deposition Testimony In Foreign Jurisdictions For Use In Texas Courts*, THE ADVOCATE (State Bar of Texas Litigation Section) Fall 2004, Vol. 28 (with Steven R. Selsberg of Mayer, Brown, Rowe & Maw L.L.P.)

*Choice of Law and Claims of Privilege—A Defense Tool Often Overlooked*, IADC PRODUCTS LIABILITY NEWSLETTER (Int'l Ass'n of Def. Counsel, Chicago, IL) Oct. 2001, No. 1 (with Stephen E. Scheve of Shook, Hardy & Bacon L.L.P.)

Note, *Pizza Hut Pays the Dough as the Tenth Circuit Hands Employers A Bigger Slice of the Sexual Harassment Liability Pie in Lockard v. Pizza Hut, Inc.*, 41 S. TEX. L. REV. 1157 (2000)